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CHAPTER 34

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OF THE CITY OF KANKAKEE, ILLINOIS

Published by the Authority of the Mayor and City
Council of the City of Kankakee, Illinois

UTILITY ORDINANCE

DIVISION 100

GENERAL PROVISIONS, REGULATIONS AND SYSTEM OF CHARGES

ENVIRONMENTAL SERVICES UTILITY

CITY OF KANKAKEE, ILLINOIS

Published by Authority of the Mayor and City Council
Of the City of Kankakee, Illinois

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GENERAL PROVISIONS, REGULATIONS, AND SYSTEM OF CHARGES

DIVISION 101 - GENERAL PROVISIONS AND ADMINISTRATION

Sec. 34-101.1 Definitions

101.1.1 Unless the text specifically indicates otherwise, the following terms and phrases, as used in this Article shall have the meanings hereinafter designated:

1. Act or "the Act". The Federal Water Pollution Control Act also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.
2. Administrator or Regional Administrator. The Regional Administrator of U.S. Environmental Protection Agency, Region V.
3. BOD⁵ (Five-day Biochemical Oxygen Demand). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20°C expressed in terms of weight and concentration (milligrams per liter (mg/l)) as prescribed in Part 507 of Standard Methods.
4. Building Drain. That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes within the walls of the building and conveys it to the building sewer that begins five (5) feet outside the inner face of the building wall.
5. Building Sewer. A sewer which is an extension of the building drain and which conveys wastewater from the premise of a user to the City's Sewer System is considered a building sewer.
6. City. The City of Kankakee, Illinois
7. City Utility Systems. The Kankakee Environmental Services Utility (KESU) includes all city utility systems.
8. COD (Chemical Oxygen Demand). The quantity of oxygen utilized in the chemical oxidation of organic matter under standard laboratory procedures

expressed in terms of weight and concentration [milligrams per liter (mg/l)] as prescribed in Part 508 of Standard Methods.

9. Combined Sewer. Defined as a sewer that is designed as a sanitary sewer and a storm sewer.
10. Composite Sample. A composite sample shall consist of the combination of three (3) or more grab samples collected within a 24 hour period, with each grab sample being taken at not less than 1 hour intervals.
11. Control Manhole. A structure located on a site from which industrial wastes are discharged. Where feasible, the manhole shall have an interior drop. The purpose of a "control manhole" is to provide access for the ESU representative to sample and/or measure discharges.
12. Debt Service (DS). The annual principal and interest requirements and other bond related costs for all outstanding Revenue and General Obligation Sewer Bonds.
13. Director. The Director of the Illinois Environmental Protection Agency or Administrator of U.S. EPA is included in this definition.
14. Domestic Wastewater. Wastewater having a normal strength of 200 mg/l of BOD₅ and 250 g/l of Suspended Solids or less is considered domestic wastewater. Domestic wastewater shall be interchangeable with Sewage.
15. Fats, Oils, or Greases (FOG). The quantity of Freon extractable matter expressed in terms of weight and concentration [milligrams per liter (mg/l)] as prescribed in Part 503 of Standard Methods.
16. Flow. A moving volume of wastewater.
17. Flow Rate. A moving volume of wastewater per a unit of time.
18. Garbage. Any solid waste as defined by any applicable United States statute or regulation or State of Illinois statute or regulation having jurisdiction over said issue.
19. Grab Sample. One sample which is taken from a waste stream on a one-time basis with no regard to flow in the waste stream and without consideration of time.
20. Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, septic tanks, and vacuum-pump tank trucks.

21. Illinois Environmental Protection Agency or IEPA. The Illinois Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the Director or other duly authorized official of said Agency. Further defined as that agency or agencies of the State, any divisions thereof or successors thereto, authorized by present and subsequent acts of the Legislature thereof, to regulate and control matters in respect to the environment, and particularly in respect to wastewater discharge, management, maintenance and operations of the City's Sewer System.
22. Industrial User. Any non-residential user of a publicly owned treatment works which is identified in the Standard Industrial Classification Manual, Office of Management and Budget, as amended and supplemented, under one of the following divisions:

Division A. Agriculture, Forestry and Fishing

Division B. Mining

Division D. Manufacturing

Division E. Transportation, Communications, Electric, Gas, and Sanitary Services Division

I. Services

23. Industrial Wastewater or Industrial Waste. Any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business establishment or process or from the development, recovery of processing of any natural resource as distinct from sanitary sewage.
24. Milligrams Per Liter (mg/l). A unit of the concentration of water or wastewater constituent. It is 0.001 g of the constituent in 1,000 ml of water. It has replaced the unit formerly used commonly, parts per million (ppm), to which it is approximately equivalent, in reporting the results of water and wastewater analysis.
25. Municipal Sewer. All sewers owned or under the jurisdiction of the City of Kankakee.

26. Nation Pollution Discharge Elimination System (NPDES Permit

Any permit or requirement issued by the Illinois Environmental Protection Agency (IEPA), or U.S. Environmental Protection Agency (USEPA) pursuant to the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), for the purpose of controlling sewage, industrial wastes, or other wastes under the authority of Section 402 of the Act.

27. Natural Outlet. Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.
28. Operation and Maintenance. Activities required to assure the dependable and economical function of the Environmental Services Utility (ESU).

(1) Maintenance: Preservation of functional integrity and efficiency of equipment and structures. This includes preventive maintenance, corrective maintenance and replacement as needed.

(2) Operation: Control of the Infrastructure and equipment which make up the ESU.

29. Person. The state or any agency or institution thereof, any municipality, governmental subdivision, public or private corporation, individual, partnership, or other entity, including, any officer or governing or managing body of any municipality, governmental subdivision or public or private corporation, or other entity.
30. pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in standard units.
31. Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a sanitary sewer. The reduction or alteration may be obtained by physical, chemical or biological processes, or process changes, or by other means, except as prohibited by 40 CFR, Part 403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with a sanitary sewer or the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR, Part 403.6(e).
32. Properly Shredded Garbage. The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in sanitary sewers, with no particle greater than ½ inch in any dimension.
33. POTW. Any arrangement of devices and structures used for treating wastewater, as defined by federal law and regulations. The POTW serving the City of Kankakee is owned by the Kankakee River Metropolitan Agency.
34. Public Sewer. A sanitary or storm sewer in which all owners of abutting properties have equal rights, and is controlled by ESU.

35. Replacement. Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the public sewer system to maintain the capacity and performance for which such public sewer system was designed and constructed. The term "operation and maintenance" includes replacement.
36. Residential User. A user who resides in any dwelling units located in the City of Kankakee.
37. Sanitary Sewer. A public sewer which carries domestic and industrial (non-domestic) wastewater; and to which storm, surface and groundwater are not intentionally admitted.
38. Sewage. A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present but not authorized.
39. Sewer. A pipe or for carrying sewage.
40. Shall is mandatory; "May" is permissive.
41. Slug or Slug Load. Any discharge of water or wastewater which meets any of the following conditions:
 - a. A flow rate in excess of five times the daily average.
 - b. A pollutant concentration in excess of five times the daily average permitted value.
 - c. A combination of flow and pollutant concentration which yields a mass pollutant quantity in excess of five times the daily average permitted value.
 - d. Any pollutant, including oxygen demanding pollutants released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the City's sewer system or POTW.
42. Standard Methods. The analytical procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater" prepared and published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation; and in accordance with procedures established by the Administrator pursuant to Section 304(h) of the Act and contained in 40 CFR, Part 136 and amendments thereto.
43. Storm Sewer. A sewer designed to carry only storm waters, surface runoff, street wash waters and drainage.

44. Superintendent. The Superintendent of the ESU is designated by the City to supervise the operation of the ESU and is charged with certain duties and responsibilities by this Chapter. The term may also be used for his duly authorized representative.
45. Surcharge. A charge for the handling of BOD₅ and Suspended Solids discharged to the sanitary sewers that are in excess of 200 mg/l of BOD₅ and 250 mg/l of Suspended Solids.
46. Suspended Solids (SS). The total suspended matter, expressed in milligrams per liter, that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which are retained on a Reeve Angel Type 934A or 984H glass filter disc and dried to constant weight at 103°-105°C as prescribed in Part 209 of Standard Methods.
47. Sewer System. Any devices and systems for the transport of municipal sewage or storm water, or liquid industrial wastes. These include intercepting sewers, sanitary sewers, storm sewers, outfall sewers, sewage collection systems, individual systems, pumping stations, power supply systems used for preventing, abating, reducing, storing, separating or disposing of municipal waste, storm water or industrial waste.
48. U.S. Environmental Protection Agency, or USEPA. The U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency.
49. User. Any person who contributes, causes, or permits the contribution of wastewater or storm water into the City's Sewer System.
50. User Charge System. The system of charges levied on users to recover the user's proportionate share of the costs of operation, maintenance and replacement on the City's sewer system and proportionate share of POTW costs, solid waste collection and disposal and other environmental protection services.
51. Watercourse. A channel in which a flow of water occurs, either continuously or intermittently.
52. Wastewater. The combination of liquid and water wastes from residences, commercial buildings, industrial plants, and institutions including contaminated cooling water.
53. Environmental Services Utility (ESU). A non-regulated public service utility of the City of Kankakee.

101.1.2 Where reference is made herein to any Federal or State statute, rules or regulations, either specifically or generally, the reference shall be to that statute, rule or regulation and to all amendments thereto now in force or which may be hereafter enacted.

101.1.3 No portion or provision hereof shall be taken to establish lesser or different requirements than those imposed upon persons by the State and Federal governments for purposes of protecting and improving the environment, and to the extent such statutes and regulations are different from or in conflict with the provisions of this Article, said State and Federal statutes, rules and regulations shall govern.

Sec. 34-101.2 Environmental Services Utility Board (ESUB)

101.2.1 The ESUB shall consist of the following: The Mayor of the City of Kankakee, Illinois, the Clerk of the City of Kankakee, Illinois, and seven alderman of the City of Kankakee, Illinois as appointed by the Mayor of the City of Kankakee with the advice and consent of the City Council of the City of Kankakee, Illinois. The Mayor of the City of Kankakee shall act as the Chairman of the Board and an alderman designated by the Mayor of the City of Kankakee shall serve as Vice-Chairman.

101.2.2 The ESUB shall have charge of the operation, maintenance, replacement, extension and improvements to the ESU; the enforcement of regulations and provisions contained in this Chapter, the utility user charge system, the utility industrial pretreatment system; and any additional duties delegated to it by the City Council.

101.2.3 The members of the ESUB shall receive a per diem of fifty dollars (\$50.00) for each meeting attended by the members, provided that if more than one meeting is held in one day, such members shall not be paid for more than one of such meetings. Per Diem shall be in lieu of all expenses of such member for attending such meeting.

Sec. 34-101.3 Environmental Services Utility

There is hereby created a non-regulated public utility of the City which shall be known as the Environmental Services Utility. This utility shall be under the management and control of the Superintendent of the Environmental Services Utility.

Sec. 34-101.4 Superintendent of the Environmental Services Utility - Generally

101.4.1 There is hereby created the position of Superintendent of the Environmental Services Utility. The Superintendent shall be a graduate of an accredited college of engineering, and shall have at least eight (8) years of practical experience in engineering, and municipal management. The Superintendent shall be appointed by the Mayor and with the advice and consent of the City Council.

101.4.2 The Superintendent of the Environmental Services Utility shall render all bills for user charges, permit and inspection fees, and other charges and fees as provided by this Chapter, and shall collect all monies due from such charges and fees.

101.4.3 All revenue and monies derived from the operation of the City's Environmental Services Utility shall be held by the Superintendent separate and apart from his private funds, and separate and apart from all other funds of the City; and shall be paid out by the Superintendent in the same manner as other City finances are paid out. He shall make a monthly report to the Utility Board of the receipts and expenses of the Environmental Services Utility, the user charges collected, and other items required by the City Council.

101.4.4 The Superintendent shall establish a proper system of accounts and shall keep proper books, records and accounts, separate from all other records and accounts, in which complete and correct entries shall be made of all transactions relating to the Environmental Services Utility as provided by this Chapter.

101.4.5 The Superintendent of the Environmental Services Utility shall have authority to employ necessary clerical help to assist in keeping the records of the Environmental Services Utility and in making collection of the user charges. The Superintendent shall also have the authority to employ the necessary laborers, mechanics, technicians, operators and other supervisory and administrative personnel for the operation and maintenance of the Environmental Services Utility. The number of such employees shall be determined by the Superintendent and Utility Board. The wages and salaries of all such personnel shall be paid out of the receipts from the utility revenues.

101.4.6 The Superintendent of the Environmental Services Utility shall maintain an up-to-date system of accounts and records of the users charged showing in detail the names and addresses of the persons against whom charges for services are made, the location and description of the property for which charges are made, the owner thereof, and the basis upon which such charges are made, together with detailed records of collections, delinquencies and all transactions relating to the collection of user charges, and the disposition of same, and detailed records of the expenses of whatever nature made on behalf of the City's Environmental Services Utility. He shall also maintain a system of adequate records of system operation, construction and maintenance, analytical data, maps of the streets and sewers, and shall make the necessary reports required by law and by state and federal agencies. He shall submit a monthly report to the Utility Board covering the work of the Environmental Services Utility with recommendations for changes and improvements.

101.4.7 At regular annual intervals the Superintendent shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the City's Environmental Services Utility. In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the Environmental Services Utility, including replacement cost, to indicate that user charges and capital amounts recovered meet all applicable regulations. In this regard, the financial information to be shown in the audit report shall, as a minimum, include the following:

1. Flow data showing total gallons sent to the POTW for the current fiscal year.
2. Billing data to show total number of gallons billed per fiscal year.
3. Debt service for the next succeeding fiscal year.
4. Number of users receiving services.
5. A list of users discharging non-domestic and industrial wastes and volume of waste discharged.

Sec. 34-101.5 Assistant Superintendent(s)

The Superintendent shall appoint one or more Assistant Superintendents of the Environmental Services Utility. Said Assistants shall not be required to have the same qualifications or experience as the Director, but shall perform the duties directed and prescribed by the Superintendent of Environmental Services.

Sec. 34-101.6. - Sec. 34-101.12. Reserved

Sec. 34-101.13 Bonds

Before entering into the duties of this office, the Superintendent, and other employees of the Environmental Services Utility designated by the Utility Board shall execute bonds to the City, with sureties to be approved by the Utility Board and as established by this Code. The bonds shall be conditioned upon faithful performance of the duties of the office and the payment of all monies received by such officers, according to law and the ordinances of the City and shall be payable to the City in the sums established by the Utility Board.

Sec. 34-101.14 Powers and Authority of Inspectors

101.14.1 The Superintendent and other duly authorized representatives of the Environmental Services Utility, the Illinois Environmental Protection Agency and the U. S. Environmental Protection Agency may inspect the facilities of any sewer system user to ascertain compliance with this Article. Persons or occupants of premises where a discharge source or treatment system is located or in which records are kept shall allow the Superintendent or any of the above representatives ready access upon presentation of credentials at all reasonable times to all parts of the premises for the purposes of inspection, sampling, examination and photocopying of records required to be kept by this Article or in the performance of any of their duties. The City, IEPA, and USEPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force, which would require proper identification and clearance before

entry into their premises, the user shall make necessary arrangements with his security guards so that upon presentation of suitable identification, personnel from the City, EPA, and USEPA, will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Such arrangements shall be made by Users with their security guards within 30 days of the passage of this Article. The superintendent, or any of the above representatives, shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

101.14.2 While performing the necessary work on private properties referred to in this Article, the Superintendent or duly authorized representatives of the Environmental Services Utility, the Illinois Environmental Protection Agency and the U.S. Environmental Protection Agency, shall observe all safety rules applicable to the premises established by the User and the User shall be held harmless for injury or death to the representatives and the Environmental Services Utility, IEPA and USEPA shall indemnify the User against loss or damage to its property by their representatives and against liability claims and demands for personal injury or property damage asserted against the User and growing out of such sampling, inspection, monitoring, and/or metering operations, except as such as may be caused by negligence or failure of the User to maintain safe conditions as required in Section 34-103.2.

101.14.3 The Superintendent and other duly authorized employees of the Environmental Services Utility bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, repair and maintenance of any portion of the City's sewer systems lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Sec. 34-101.15 Protection From Damage

101.15.1 No unauthorized person shall maliciously, willfully or negligently break damage, destroy, cover, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the City's sewer systems.

101.15.2 No person, except in the course of his duties as a City employee, shall remove, either totally or partially, any sanitary sewer cover, storm sewer cover, intake or grating cover, inlets to storm sewers or sanitary sewers, except as may be required for the purpose of entering the sewers for the purpose of cleaning, repairing or improving the same.

101.15.3 No unauthorized person shall turn on or tamper with any public water supply hydrant.

101.15.4 Any person violating this Section 34-101.15 shall be subject to immediate arrest under charge of disorderly conduct.

Sec. 34-101.16 Non-Discrimination Statement

Implementation of any and all of the provisions of the ordinance will be subject to and consonant with all federal and/or state law or agency requirements with respect to equal opportunity, discrimination, affirmative action and related matters.

DIVISION 102 - SEWERS, CONNECTIONS AND PERMITS

Sec. 34-102.1 Use of Public Sewer Required

102.1.1 It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City or in any area under the jurisdiction of the City, any human or animal excrement, garbage or other objectionable waste.

102.1.2 It shall be unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of the City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Article.

102.1.3 Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage within the Kankakee Environmental Services Utility area of service.

102.1.4 The owner of all houses, buildings or properties which include any dwelling unit and is used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the City, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Article within ninety (90) days after date of official notice to do so, provided that said public sewer is within four hundred (400) feet of the property line.

Sec. 34-102.2 Private Sewage Disposal

102.2.1 Where a public sanitary sewer is not available under the provisions of Section 34-102.1.4, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Section 34-102.2.

102.2.2 Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the Environmental Services Utility, which the applicant shall

supplement by any plans, specifications and other information as are deemed necessary by the Superintendent. A permit and inspection fee shall be paid to the City at the time the application is filed. An IEPA permit shall also be applied for when required by state law.

102.2.3 A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. The Superintendent shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within sixty (60) hours of the receipt of notice by the Superintendent or within a reasonable time thereafter if delay in making the inspection exists after exercise of due diligence.

102.2.4 The type, capacities, location and layout of a private sewage disposal system shall comply with all regulations of the Illinois Private Sewage Disposal Licensing Act and Code and of the Illinois Environmental Protection Agency. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than a size suitable for installation of an effective system. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.

102.2.5 At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 34-102.1.4, a direct connection shall be made to the public sewer in compliance with this Article, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and cleaned of sludge and filled with clean bank-run gravel or sand.

102.2.6 The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.

102.2.7 No statement contained in this Section 34-102.2 shall be construed to limit any additional requirements that may be imposed by the Health Office of the County; or the Environmental Services Utility; or the State of Illinois.

Sec. 34-102.3 Sewer Connections - Generally

102.3.1 The Superintendent shall have charge of all connections to the public sewers of the City, and shall approve such connections before the same shall be made. The plans and specifications for all storm and sanitary sewers constructed within or tributary to the City must be approved by the Superintendent of the Environmental Services Utility before the construction of such sewers shall begin.

102.3.2 The Superintendent shall supervise the repairing and tapping of all sanitary sewers and storm sewers in the City, and shall keep a record of all connections made to such sewers.

102.3.3 All connections to a public sewer in the City shall be made by or under the direct supervision of a qualified contractor or licensed plumber. No sewer contractor or licensed plumber shall make or cause any such public sewer connection to be made unless he shall have first met all requirements for the lawful conduct of such trade in the City. Each such sewer contractor or licensed plumber shall be liable for all damages to the public sewer and street and alley right-ofways caused by the neglect, carelessness or want of skill of his or their employees or subcontractors.

102.3.4 No person shall connect any sewer or drain to the public sewer of the City, except upon written application and consent thereto by the Superintendent.

102.3.5 Any building found to be connected to the public sewers without a permit is in violation of this ordinance.

102.3.6 The City of Kankakee may establish tap on fees which shall be paid prior to obtaining access to any public sewers of the City of Kankakee

Sec. 34-102.4 Building Sewers, Connections and Permits

102.4.1 No unauthorized person shall uncover, make any connections with or openings into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

102.4.2 All disposals by any person into the public sewer is unlawful except those discharges in compliance with federal standards promulgated pursuant to the Act and more stringent state and local standards.

102.4.3 There shall be three (3) classes of building sewer permits;

1. Single family residential,
2. Multiple family residential, commercial, institutional and governmental and
3. Service to establishments producing industrial wastes.

In any case, the owner or his agent shall make application on a form furnished by the Environmental Services Utility. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee for a single family residential building sewer permit, a multiple family residential, commercial, institutional and governmental building sewer permit, shall be paid to the City at the time the application is filed.

102.4.4 A building sewer permit shall only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewer system, including sewers, pump stations and

wastewater treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.

102.4.5 All costs and expense incident to the installation and connection of a building sewer shall be borne by the owner. The owner shall indemnify and hold harmless the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer and the maintenance of such sewer.

102.4.6 A separate and independent building sewer shall be provided for every building; except, where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, then the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. The City shall not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

102.4.7 Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this Article, and a permit and inspection fee as defined in Section 34-102.4.3 has been paid.

If, in the sole opinion of the Superintendent, said old building sewer fails to meet all requirements of this Article, the old building sewer shall be plugged in accordance with Section 34-102.4.17 and a new building sewer shall be provided.

102.4.8 Pipe placement, bedding and backfill shall be performed in accordance with the appropriate specifications of the American Society for Testing and Materials (ASTM) or the Standard Specifications for Water and Sewer Main Construction in Illinois, except that no backfill can be placed until the work has been inspected.

102.4.9 The building sewer shall be of the following materials; conforming to the specifications indicated or the latest designation thereof;

1. Extra Strength Vitrified Clay Sewer Pipe shall conform to ASTM C-700 or equal, and shall be provided with a PVC Bell, and shall have a flexible gasket.
2. Polyvinyl Chloride Pipe shall conform to ASTM D-2729, D-3033, D-3034, or equal, and shall have a minimum acceptable SDR of 35 and joints shall be solvent welded or have flexible elastomeric seals.
3. Extra heavy cast iron soil pipe shall conform to ASTM A-74 or equal, and joints shall be mechanical, rubber ring or push-on- joints.
4. Other pipe, joints and fittings not specified above may be used only when specifically authorized by the Superintendent.

5. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing Materials (ASTM) and Water Environment Federation (WEF) Manual of Practice No. 9 shall apply.

102.4.10 The size and slope of the building sewer shall be subject to the approval of the Superintendent, but in no event shall the diameter be less than four (4) inches. The slope of such four (4) inch pipe shall be not less than one-eighth (1/8) inch per foot. For larger sizes of pipe, the minimum slopes shall be according to all state and local regulations.

102.4.11 The connection of a building sewer into the public sewer shall be made at a "Y" or "T" branch, if such a branch is available at suitable location. In the absence of such a branch, a suitable saddle connection or machine tapping shall be made as recommended by the manufacturer or the Environmental Services Utility standards in force at the time of installation.

The centerline of the building sewer at the point of connection shall be at the same or higher elevation than the centerline of the public sewer. The connection shall be made secure and watertight, by encasement in concrete if necessary.

The connection of a four (4) inch or six (6) inch diameter building sewer shall not be made into a manhole. All connections of eight (8) inch diameter or larger shall be made into a manhole.

102.4.12 All jointing methods and sewer connections shall be as recommended by the manufacturer of the pipe to be installed, or the Environmental Services Utility Standards in force at the time of installation. All such joints and connections shall be made gastight and watertight and if required, verified by proper testing. Connection between piping of different material shall be made with a suitable adapter or fitting specifically manufactured for this purpose and approved by the Superintendent

102.4.13 Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by approved artificial means and discharged the building sewer.

No building sewer shall be laid parallel to any bearing wall if said building sewer is within three (3) feet of any such wall, which might thereby be weakened. The depth of the building sewer shall be sufficient to afford protection from frost.

The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction or grade shall be allowed only when a proper manhole or a clean-out is constructed at the location of the change.

Any part of the building sewer that is located within ten (10) feet of a water service pipe shall be laid in a separate trench and at such an elevation that the top of the sewer is at least eighteen (18) inches below the bottom of the water service pipe. If it is impossible to obtain a horizontal separation of at least ten (10) feet, or a vertical separation of at least eighteen (18) inches, as stipulated above, the sewer shall be constructed of mechanical or slip-on rubber gasket joint water main quality pipe and shall be pressure tested to assure water tightness.

102.4.14 Installation of the connection must be completed by the qualified sewer contractor or licensed plumber within five (5) days after the commencement of the sewer connection. In the event that any street or alley excavation is not closed within this time period, the Environmental Services Utility may close the street or alley excavation and the person opening the street or alley shall be liable for this expense.

102.4.15 All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Environmental Services Utility, and any other governmental agency affected.

102.4.16 The applicant for a building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer, and before any underground portions are covered. The connection shall be made under the supervision of the Superintendent or his duly authorized representative.

102.4.17 Whenever a structure is demolished, which structure has been served by storm sewer connections or sanitary sewer connections, the connections shall be plugged at the edge of the property. Unless a permit has been issued for the immediate reconstruction of structures which will utilize the sewer connection, those connections shall be permanently plugged to the satisfaction of the Superintendent to prevent infiltration of ground waters to the sanitary sewers.

102.4.18 No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

102.4.19 Building sewers shall be tested for leakage prior to acceptance by the Environmental Services Utility by smoke testing, exfiltration testing, low pressure air testing, or other suitable method of testing approved by the Superintendent.

102.4.20 Users of the sanitary sewers shall have a leaktight building sewer. The Superintendent may perform smoke testing, exfiltration testing, low pressure air testing, or other suitable methods of leakage testing on existing building sewers. If a building sewer fails the leakage test, the Superintendent shall notify the property owner. Within 60 days after being notified, the property owner shall repair the building sewer at no expense to the City.

102.4.21 Sanitary sewers serving building which have been ordered to be demolished by court action will be terminated at the property line by the Environmental Services Utility. The cost for this service shall be \$500.00 and this cost shall be recovered by the Environmental Services Utility by placing a lien on the property. The Environmental Services Utility will require a five day notice of court ordered demolition for the purpose of scheduling the termination of a sewer lateral.

102.4.22 Sewer laterals, which serve private property on which structures are to be demolished, must be terminated by a licensed plumber or sewer contractor. This work must be inspected by the Environmental Services Utility and will require a permit and inspection fee.

DIVISION 103 - REGULATIONS FOR DISCHARGE

Sec. 34-103.1 Use of Public Sewers

103.1.1 No person shall discharge or cause to be discharged any storm water, foundation drainwater, groundwater, roof runoff, surface drainage, cooling waters, or any other unpolluted water to any sanitary sewer.

103.1.2 No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the sanitary sewers or pass through the POTW. The following general prohibitions shall apply to all such users of the sanitary sewers whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. A user may not contribute the following substances to the sanitary sewers:

1. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious or hazardous in any other way to the sanitary sewers or to the operation of the sanitary sewers. At no time, shall two successive readings on a meter capable of reading L.E.L. (lower explosive limit) at a point at the nearest accessible point in a sanitary sewer, at the point of discharge into the sanitary sewers, or any point in the sanitary sewers, be more than five percent (5%) nor any single reading over ten percent (10%).

Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, polychlorinated biphenyls, polybrominated biphenyls, carbides, hydrides, stoddard

solvents, and sulfides and any other substances which the Environmental Services Utility, the State or USEPA has notified the user is a fire hazard or a hazard to the system.

2. Solid or viscous substances which may cause obstruction to the flow in a sanitary sewer or other interference with the operation of the POTW such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal

guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes or tumbling and de-burring stones.

3. Any wastewater having a pH less than 5.5 or any wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the Environmental Services Utility.

4. Any wastewater containing incompatible pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with the POTW, constitute a hazard to humans or animals, create an incompatible effect in the receiving waters of the POTW, or to exceed the limitation set forth in a national categorical pretreatment standard (when effective), or to exceed a limitation set forth in Section 34-202.4 of this Chapter, or to create a public nuisance. An incompatible pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.

5. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastewaters are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.

6. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria guidelines or regulations affecting sludge use or disposal developed pursuant to the Resource Conservation and Recovery Act, Solid Waste Disposal Act, the Clean Water Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.

7. Any substance which will cause the POTW to violate its NPDES Permit or the receiving water quality standards.

8. Any wastewater with objectionable color not removed at the POTW, such as, but not limited to, dye wastes and vegetable tanning solutions.

9. Any wastewater which singly or by interaction with other wastes produces a residual temperature at the introduction to the POTW in excess of 40°C (104°F). In any case, an industrial user will limit the temperature of its discharge to a maximum of 65°C (149°F).

10. Any pollutants, including compatible pollutants released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the sanitary sewers or POTW. In no case shall slug loads be discharged.

11. Any wastewater containing BOD₅, total solids, or suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the POTW; provided however, that a User may be permitted by specific, written agreement with the Environmental Services Utility, which agreement to discharge such BOD₅ or Suspended Solids may provide for special charges, payments or provisions for treating and testing equipment.

12. Any wastewater containing fats, wax, grease, or oils, (as determined by Freon extraction) whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become discernibly viscous at temperatures between 32°F (0°C) and 149°F (65°C) unless specifically permitted otherwise.

13. Wastewater containing inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) in such quantities that they would cause interference to the sanitary sewers or POTW.

14. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by state or federal regulations.

15. Any discharge exceeding the Standards established in 35 Illinois Administrative Code 307.

103.1.3 No person shall connect or cause to be connected any sanitary sewer through which sewage or other foul matter flows, to any storm sewer in the City.

103.1.4 Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Superintendent.

Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent and the IEPA, to a storm sewer, or natural outlet.

103.1.5 Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located outside of any building or structure which they serve, same to be readily and easily accessible for cleaning and inspection.

New Construction and/or remodeling of any building or structure will require installation of exterior manhole design grease traps of a size, design and venting in conformance with the requirements of the State of Illinois Plumbing Code.

Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, water- tight and equipped with easily removable covers and when bolted in place shall be gastight and watertight.

When installed, all grease, oil and sand interceptors or other devices shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

Where required by the Superintendent, interceptors shall have appropriate back-flow valves.

Grease separators shall be required in all buildings or sewers servicing meat packing plants, hotels, restaurants, and other institutions in which meals are served.

Grit interceptors of a design approved by the Superintendent shall be required in all building sewers servicing garages, filling stations, automobile laundries or other establishments where grit is a factor.

103.1.6 In the event that any person shall refuse or neglect to disconnect any sewer connected in violation of this Section 34-103.1, it shall be lawful for the Environmental Services Utility under Section 34-105.3 of this Article to disconnect or cause to be disconnected said sewer at the expense of the property owner from whose premises the sewer connected in violation hereof extends.

103.1.7 No provision of this Section 34-103.1 shall be construed to alter, modify or provide lesser requirements for discharge than are presently or may hereinafter be imposed and required by IEPA or USEPA.

103.1.8 It shall be unlawful for any person, firm, corporation or institution, public or private, to connect or cause to be connected, any drain carrying, or to carry, any toilet, sink, basement, septic tank, cesspool, industrial waste, or any fixture or device discharging polluting substances to any open ditch, drain, or drainage structure installed solely for street or highway drainage purposes in the City.

Sec. 34-103.2 Control Manhole, Pretreatment, and Analytical Techniques

103.2.1 The Environmental Services Utility may require to be provided and operated at the user's own expense a control manhole and/or monitoring facilities to allow inspection, sampling, and flow measurement of the sewage discharged through the User's building sewer and/or internal

drainage system. Such a control manhole and/or monitoring facility shall comply with the requirements contained in Section 34-204.4 of this Chapter.

103.2.2 The Environmental Services Utility may require to be provided and operated at the User's own expense pretreatment facilities as required to comply with the requirements of this Chapter or the Act. Such pretreatment facilities shall comply with the requirements contained in Section 34-204.6 of this Chapter.

103.2.3 All measurements, tests, and analysis of the characteristics of water and wastewater to which reference is made in this Article shall be determined in accordance with Standard Methods or other USEPA approved methods.

DIVISION 104 - USER CHARGE SYSTEM AND ADDITIONAL CHARGES

Sec. 34-104.1 User Charge System

104.1.1 Pursuant to the Federal Water Pollution Control Act, as amended, federal rules, regulations and guidelines promulgated to said Act, and pursuant to Section 1046 of the Illinois Environmental Protection Act, (Ill. Rev. Stat. Ch. 111-1/2, Sec. 1946.), there is hereby imposed and levied upon all users of the Environmental Services Utility such charges as are hereinafter fixed to be utilized by the Environmental Services Utility as hereinafter provided to pay for the operation, maintenance, replacement, and debt service costs of the Environmental Services Utility.

Sec. 34-104.1.2 In accordance with Ordinance No. 09-70, the following user charges and fees are established:

Building sewer permits

Single family residential: \$25.00

Multiple family residential, commercial, institutional and governmental: \$50.00

Industrial: \$100.00

Sewer lateral termination permit and inspection fee: \$100.00

User Charges applicable to each and every user connected to the sanitary sewers of the City of Kankakee;

Base User Charge Rate (flow based) charged to all users, who discharge wastewater to the sanitary sewers, shall be the sum of the operation and maintenance, replacement and debt service expense of the Environmental Services utility. The charge shall be based upon 100 cubic feet (CCF) of flow.

User Surcharge shall be charged to all non-domestic users who discharge wastewater with strength greater than domestic wastewater.

Fixed User Charge shall be charged to all domestic users of the sanitary sewers not having a water usage history provided by Aqua Illinois to estimate domestic monthly wastewater flow.

Contaminated Groundwater permitted to be discharged to the sanitary sewers shall be charged the established rate.

	05/01/2019 (\$)	05/01/2020 (\$)	05/01/2021 (\$)
Flow Charge (100 cubic feet)	7.50	7.91	8.38
BOD Surcharge (lb)	0.40	0.40	0.40
Suspended Solids Surcharge (lb)	0.40	0.40	0.40
Fats, Oils and Greases (FOG) (lb)	0.40	0.40	0.40
Contaminated Groundwater (100 cubic feet)	15.66	16.52	17.51
Fixed Charge (monthly)	49.56	52.29	55.43
Industrial Pretreatment Charges (increase)	5%	5.5%	6%

(Ord. 2019-12, 4/1/2019)

104.1.3 May 1 usage, for each fiscal year, applicable to residential users shall be computed based upon the water consumed as shown by the records of Aqua Illinois from the previous period of months from and including the previous December through and including the previous March. All residential users who do not have sufficient water consumption records as computed above shall be subject to a Fixed Charge as defined in Section 34-104.1.6.

May 1 usage, for each fiscal year, applicable to non-residential users shall, at the discretion of the Superintendent, be computed (1) based upon the water consumed as shown by the records of Aqua Illinois from the previous period of months from and including the previous December through and including the previous March or (2) based upon the users actual monthly water usage from all sources or (3) based upon the amount of wastewater discharged to the sanitary sewers, as determined by the Environmental Services Utility. In the absence of devices for measuring the wastewater discharged, the Superintendent may approve a request for a credit from the water consumed in the calculated of water usage to allow for water purchased but not discharged to the sanitary sewers. The credit must be established by metering the not discharged water.

The FOG surcharge for fats, oils and greases discharged from industrial users which measure in excess of 100 mg/l are hereby established. When the concentration is exceeded the surcharge will be applied. When a Slug or Slug Load as defined herein is detected at any location

in the sanitary sewers, and the source of the same can be confirmed, a charge shall be made and invoiced by the Superintendent, as follows:

1. One hundred dollars (\$100.00) per day for the discharge of any wastewater having a pH equal to or greater than 4.5 and less than 5.0.
2. Two hundred fifty dollars (\$250.00) per day for the discharge of any wastewater having a pH equal to or less than 4.5.
3. Two hundred fifty dollars (\$250.00) per day for the discharge of any wastewater having a pH equal to or greater than 11.0.
4. Two hundred fifty dollars (\$250.00) for each and every other Slug or Slug Load occurring in a period of two (2) hours or less as defined herein and confirmed.
5. A user whose discharge flow exceeds 50,000 gallons per day on the day the above violations occur, or as an average for the month during which the violations occur, shall be charged twice the amounts described in (1), (2), (3) and (4) above.
6. An additional charge for any extra expenses losses and/or damages occasioned by the Environmental Services Utility or the POTW by reason of such Slug or Slug Load entering the sanitary sewers and POTW.

104.1.4 Sanitary Sewer User Surcharge shall be charged all non-domestic users with wastewater discharged to the sanitary sewers in excess of 200 mg/l of BOD₅ and/or 250 mg/l of Suspended Solids.

104.1.5 The User Charge for each user of the Environmental Services Utility shall be a monthly charge levied by the Environmental Services Utility that is equal to the sum of the operation, maintenance and replacement expense, plus the debt service expense plus the user surcharges, if any, as defined in Section 34-104.1.4.

104.1.6 All residential users of the sanitary sewers not having a water meter or other acceptable device for determining usage shall be subject to a fixed sanitary sewer user charge in an amount determined by the Environmental Services Utility to be equal to those charges imposed on users having similar water use and wastewater characteristics. The Environmental Services Utility, at the direction and discretion of the Superintendent, may require any user receiving all or part of his water from a private well or other source not metered by Aqua Illinois or other public or private supplier of potable water to install at the user's expense an appropriate metering device for the purpose of determining the discharge rate.

104.1.7 The Superintendent, not less than annually, shall prepare an estimate of Environmental Services Utility cost components for operation, maintenance, replacement and debt service for the

forth-coming fiscal year. These estimated cost components shall be reviewed no less than annually by the Utility Board and approved by the City Council.

1. An estimate shall also be prepared by the Superintendent of the total estimated costs for the forthcoming fiscal year. The estimate of costs shall then be divided by each estimated usage to derive the User Charge Rates for the forthcoming fiscal year.
2. User Charge Rates shall be reviewed annually by the Superintendent to determine if the rates will provide sufficient revenues to pay the future costs of operation, maintenance, replacement and debt service. If the present revenues are not sufficient or do not maintain proportionality, as determined by the Superintendent, new User Charge Rates, as calculated in the Superintendent's review, shall be enacted by the City Council to replace the rates then in effect. User Charge Rates so enacted by the City Council by ordinance shall remain in effect until modified or descended by a subsequent duly passed ordinance.

104.1.8 In conjunction with a regular bill, all users shall be notified annually by the Environmental Services Utility of the user charge rates and surcharges, if any, which are attributable to the Environmental Services Utility operation, maintenance, replacement and debt service.

104.1.9 Monies for replacement shall be sufficient to replace any Environmental Services Utility equipment owned by the City necessary to assure its continued efficient performance and to maintain the Environmental Services Utility capacity for which it was designed and constructed. The service life for equipment shall be established by the City in accordance with the actual experience of the City, Federal guidelines and generally accepted accounting principles. Should equipment be acquired by the City, it shall maintain a depreciation replacement schedule of all equipment, including residual asset value, estimated remaining service life and the total annual replacement costs; and said estimated costs shall be included in the above rate determination. This schedule shall be evaluated annually.

Sec. 34-104.2 Sampling and Monitoring Charges

104.2.1 A sampling and monitoring charge shall be charged to all non-domestic sanitary sewer users whose wastes exceed or have the potential to exceed the domestic concentrations for BOD₅ (200 mg/l) and/or SS (250 mg/l).

104.2.2 For non-domestic sanitary sewers users to be sampled periodically (as to be determined by the Superintendent), the charge will be based on the Environmental Services Utility average annual costs for sampling and monitoring those non-domestic users as a class.

104.2.3 For non-domestic users to be sampled regularly (as to be determined by the Superintendent), the charge will be based on the Environmental Services Utility actual sampling and monitoring costs for each sample.

104.2.4 The sampling and monitoring charges hereinafter shall be reviewed annually and revised accordingly in order to assure proportionality of the charges. All users shall be notified annually

by the Superintendent of any changes to the sampling and monitoring charges and the method of calculation.

Sec. 34-104.3 Billing Procedures and Penalties

104.3.1 User charges for Environmental Services Utility services established by this Article shall be made monthly for all residential customers. Each bill shall be rendered or dated on a monthly cycle following the period for which the charges are made. All residential bills for the monthly period of service shall be payable within 25 days from rendition. If a bill remains unpaid, either partially or totally after the due date, said charges shall then be delinquent and there shall be added a late-payment penalty in the amount of 1-1/2% (1.5%) of the outstanding balance, which will continue to be charged each month thereafter that the bill remains delinquent and outstanding. Whenever the period of usage of the Environmental Services Utility is less than the full period, charges for such use may be pro-rated.

104.3.2 User charge for Environmental Services Utility services established by this Article shall be made monthly for all non-residential customers. Each bill shall be rendered or dated on a monthly cycle following the period for which the charges are made. All non-residential bills for the monthly period of service shall be payable within 20 days from rendition. If a bill remains unpaid, either partially or totally after the due date, said charges shall then be delinquent and there shall be added a late-payment penalty in the amount of 1-1/2% (1.5%) of the outstanding balance, which will continue to be charged each month thereafter that the bill remains delinquent and outstanding. Whenever the period of usage of the Environmental Services Utility is less than the full period, charges for such use may be pro-rated.

104.3.3 All non-sufficient fund checks received by the Environmental Services Utility will be subject to a \$25.00 charge plus all remedies available to the City under the civil and criminal remedies of the State of Illinois.

104.3.4 User charge bills rendered shall show names of persons charged, location of property for which charges are made, basis of the rate on which the charges are made, the amount due, when and where payable, the period for which the charge is made, and any additional information deemed necessary by the Superintendent for the Environmental Services Utility purpose. If a delinquency exists, the amount of penalty charged and the date of the delinquency shall also be shown.

104.3.5 The superintendent shall receive all revenue from the Environmental Services Utility and all other funds and monies incident to the operation of the Environmental Services Utility as may be delivered to him, and deposit all such revenues.

Sec. 34-104.4 Liens and Delinquent Payments

104.4.1 Liens: Whenever user charges for Environmental Services Utility service become delinquent as set forth herein, the same shall become and constitute a lien upon the real estate to

which Environmental Services Utility service is supplied. The Superintendent shall file sworn statements showing such delinquencies in the Office of Recorder of Deeds of the County of Kankakee, Illinois, which shall be deemed notice of the lien for payment of such utility service. The claim for lien shall be made in the form of a sworn statement setting out (a) a description of the real estate sufficient for the identification thereof, upon and for which Environmental Services Utility service was supplied, (b) the amount or amounts of money due for such utility service and (c) the date or dates when such amount or amounts became delinquent. If all amounts shown due remain unpaid after recording as provided by law, the City may foreclose such lien in a like manner and with like effect as in the foreclosure of mortgages on real estate. In the alternative, the City may in its discretion, file suit to collect such amounts as are delinquent and due against the owner of the real estate or against the occupant or user of the real estate in a civil action and shall collect, as well, all court costs pertaining to said action, the same to be fixed by order of the court plus the cost of preparation of such notices and forms required.

104.4.2 Additional Charges: In all cases where the user charge for Environmental Services Utility service has become delinquent and the City elects to file a statement thereof in the Office of Recorder of Deeds as herein above set forth, there shall be added in addition to the amount due the City such charges and expenses as are necessary and required to verify the legal description of the property to which the lien is to attach, plus the recorder's fee for the filing of such statement plus the cost of preparation of such notices and forms required. In each instance, the Superintendent shall be authorized and directed to include such additional costs in the amount claimed due the City in the notice of lien.

The Environmental Services Utility shall add interest at a rate of eight percent (8%) per annum on all liens filed against property owners for delinquent charges, and shall add interest at a rate of nine percent (9%) per annum on all judgments filed against users or property owners for delinquent user charges.

104.4.3 Owner Responsibility. The failure of any owner of property or Environmental Services Utility user to receive a bill or statement of user charges shall not be grounds for non-payment or reason to extend or defer the date upon which payment is due or avoid the inclusion of penalties and interest. Record title owners of property which are subject to recording of notice of lien or judgment pursuant to the terms herein shall be charged with notice of the existence of the charge and are responsible for ascertaining from all amounts, if any, due as provided in this Article. The fact that the record title owner is not the user pursuant to the definition thereof in this Article shall not relieve the owner of the burden on title caused by the recording of such lien or judgment or the foreclosure thereof.

104.4.4 Application of Payments. The user/owner of multiple properties may designate on the payment which properties said payment is to apply to. If not designated, the City of Kankakee reserves the right to apply the payments to any property of the user/owner which has an outstanding balance.

DIVISION 105 - ENFORCEMENT

Sec. 34-105.1 Slug or Accidental Discharges

Users shall notify the Environmental Services Utility immediately upon having a slug or accidental discharge of substances or wastewater in violation of this Article in order to enable countermeasures to be taken by the Environmental Services Utility to minimize damage to the sanitary sewers, POTW and the receiving waters. Such notification will not relieve users of liability for any expense, loss or damage to the sanitary sewers or POTW, or for any fines imposed on the City or POTW on account thereof under any state or federal law.

Sec. 34-105.2 Administrative Proceedings

Whenever the Superintendent determines that wastewater is being or has been discharged into the sanitary sewer, and when, in the opinion of the Superintendent, such discharge violates Division 103 of this Article, the Superintendent shall by conference, conciliation or persuasion, make a reasonable effort to eliminate or remedy such violation. If those efforts have been unsuccessful, the Superintendent may request a show cause adjudication in accordance with Section 34-205.3 of this Chapter.

Sec. 34.105.3 Harmful Contributions

Notwithstanding any other section of this Article, the Environmental Services Utility may immediately suspend the sanitary sewer service when such suspension is necessary, in the opinion of the Environmental Services Utility, in order to stop an actual or threatened discharge which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons, or which presents or may present an endangerment to the environment or which threatens to interfere with the operation of the sanitary sewers or causes the POTW to violate any condition of its NPDES Permit.

Any user notified of a suspension of the sanitary sewer service shall immediately stop or eliminate the contribution. In the event of a failure of the user to comply voluntarily with the suspension order, the Environmental Services Utility shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the sanitary sewers or endangerment to any individuals. The Environmental Services Utility shall reinstate the sanitary sewer service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Environmental Services Utility within 15 days of the date of occurrence.

Sec. 34-105.4 Legal Action

Notwithstanding any other sections of this Article, if any user discharges sewage, industrial wastes or other wastes into the sanitary sewers contrary to the provisions of this Article, Federal or state pretreatment requirements, or any order of the Environmental Services Utility, the Corporation Counsel may commence an action for appropriate legal and/or equitable relief in the City of Kankakee Administrative Adjudication Process or Kankakee County Circuit Court.

Sec. 34-105.5 Appeal Procedures

Any user shall have the right to request in writing an interpretation or ruling on any manner covered by this Article and shall be entitled to a written reply by the Environmental Services Utility.

In the event a User is dissatisfied with said written reply, enforcement procedures, or sampling procedures established or used by the Environmental Services Utility as it applies to his discharge to the public sewer, except as such dissatisfaction relates to proceeding under Sections 34-105.1 through 34-105.4 of this Article, that User shall seek relief through the use of the following administrative procedures. The procedure outlined herein is voluntary, and shall not act as a bar or condition precedent to the City's use of any remedies provided herein. So that problems or disputes may be resolved on the lowest practicable level, the procedures outlined below shall be followed in order.

105.5.1 Initial Review of Complaint

User shall contact the Environmental Services Utility with his complaint or questions, and shall be referred to the appropriate department for initial screening; where the problem is routine in nature or requires only explanation, no further action will be taken.

105.5.2 Manager's Review

Where a User is not satisfied with the response given by the appropriate department, the complaint or question shall be reduced to writing and referred to management personnel, to be assigned by the Superintendent for review. The management personnel so designated shall review the file and consult with the User in an effort to resolve the problem. If the matter can be resolved to the User's satisfaction at this level, no further action will be required.

105.5.3 Superintendent's Review

If the review and discussion between the management personnel and the User do not resolve the matter, a report on the complaint, together with the manager's recommendations, will be forwarded to the Superintendent for his consideration and decision. If the decision of the Superintendent resolves the matter, no further action will be required.

In the case of a User protesting user charges for sewage service, the User, must file a petition for an appeal no later than 10 days after the date of rendition of said user charges. If the appeal is timely, an informal hearing with the Superintendent shall be scheduled. The User shall be given an opportunity to present his case with evidence and/or expert opinion as to why the user charges should be changed. The Superintendent shall issue a written decision on the appeal. If the Superintendent's decision resolves the matter, no further action will be required.

105.5.4 City Council Review

If the findings and actions by the Superintendent do not satisfy the user, the entire file, together with recommendations from the Superintendent, shall be given to the Utility Board, which, after review of the file and recommendations of the Superintendent, shall meet with the user and review the complaint. Following the review of the file and discussion with the User, the Utility Board will make a final decision on the matter.

In the case of a User protesting the Superintendent's decision of an appeal of user charges for sewer service, the User must file a second petition for appeal no later than 10 days after the date of receipt of the Superintendent's written decision. The User shall be given an opportunity to present his case with evidence and/or expert opinion as to why the user charges should be changed.

DIVISION 106 - PENALTIES AND COSTS

Sec. 34-106.1 Civil Penalties

Any user who is found to have violated an order of the City Council or who has failed to comply with any provision of this Article, and orders, rules, and regulations issued hereunder, shall be fined in an amount not to exceed \$500 for each violation in accordance with the terms and provisions of the Illinois Municipal Code (Ill. Rev. Stat. Ch. 24, Sec. 1-2-1 et seq.).

Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the City may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit of law against the person found to have violated this Article or the orders, rules, and regulations, issued hereunder. In default of payment of such forfeiture and costs, said violator shall be imprisoned for a period not to exceed 6 months.

In the event of a violation/conviction of a violator under this Article, the City will recommend a minimum fine of \$100 for the first violation/conviction, \$200 for the second violation/conviction, and \$500 for the third violation/conviction.

In addition to the penalties provided above, any user who is issued a citation/violation for any infraction under any Article or provision of this Chapter 34 and/or Ordinance, shall be assessed

a service charge of \$100 for the first violation; \$200 for the second violation and \$500 per violation thereafter. Each day shall constitute a separate violation.

Sec. 34-106.2 Injunctive Relief

In addition to the fine levied upon conviction of a violator, the City Council may, where the circumstances of the particular case so dictate, direct the Corporation Counsel to seek injunctive relief to prohibit the User from discharging into the public sewer system, to restrain violations of this Article or to provide such affirmative relief as may be appropriate.

Sec. 34-106.3 Costs of Damage

Any user violating any of the provisions of this Article or who has a discharge which causes a deposit, obstruction, damage or other impairment to the sanitary sewers or POTW shall become liable to the City for any expense, loss, or damage caused by the violation or discharge. The City may add to the user's charges and fees the cost assessed for any cleaning, repair, or replacement work caused by the violation or discharge. Any refusal to pay the assessed costs shall constitute a violation of this Article.

Sec. 34-106.4 Falsifying Information

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this article, or wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Article, shall, upon conviction, be punished by a fine in an amount not to exceed \$500. In default of payment the violator shall be imprisoned for a period of not more than 6 months.

Sec. 34-106.5 Revocation of Sewer Service

106.5.1 Conditions for Revocation

Any User, who violates this Article, the Illinois Environmental Protection Act or the Federal Act, or regulations promulgated under either act, or any of the following, is subject to having its sanitary sewer service revoked in accordance with the procedures of this Section 34-106.5:

1. Failure of a User to factually report the wastewater constituents and characteristics of its discharge as determined by the User's or Environmental Services Utility's analysis;

2. Failure of the User to report significant changes in process activity or wastewater constituents and characteristics;
3. Refusal of reasonable access to the User's premises by Environmental Services Utility representatives for the purpose of inspection or monitoring;
4. Tampering with, disrupting, or destroying Environmental Services Utility equipment;
5. Failure to report an accidental discharge of a pollutant;
6. Failure to report an upset of User's treatment facilities;
7. Failure to repair or disconnect any sewer found to be in violation of Divisions 102 or 103 of this Article.

106.5.2 Procedures for Revocation

1. The Superintendent may order any User who causes or allows any action which is subject to revocation under Section 34-106.5 above to show cause before the Environmental Services Committee why its sanitary sewer service should not be revoked. A notice shall be served on the User specifying the time and place of adjudication to be held by the ESUB regarding the violation, the reasons why the action is to be taken, the proposed action, and directing the User to show cause before the ESUB why its sanitary sewer service should not be revoked. The notice of the adjudication shall be served personally or by registered or certified mail, return receipt requested, at least 10 days before this adjudication. Service may be made on any agent or officer of a corporation.
2. The ESUB may itself conduct the adjudication and take the evidence, or may designate any of its members or its attorney to:
 - a. Issue in the name of the ESUB notices of adjudication requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such adjudication;
 - b. Take the evidence;
 - c. Transmit a report of the evidence and adjudication, including transcripts and other evidence together with recommendations to the ESUB for action thereon.

3. At any adjudication held pursuant to this Article, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the adjudication upon payment of the usual copying charges therefore.
4. After the ESUB has reviewed the evidence, it may issue an order to the User responsible for the discharge directing either:
 - a. That the sanitary sewer service be disconnected;
 - b. That following a specified time the sanitary sewer service be disconnected unless adequate repairs have been completed or adequate treatment facilities, devices or other related appurtenances have been installed and operated properly to comply with this Article;
 - c. That the User to cease the unauthorized discharge effective after a specified period of time;
 - d. That such other relief as deemed necessary by the ESUB to abate the discharge be granted. Further orders and directives as are necessary may be issued. Following an order of revocation, the User shall cease discharging to the sanitary sewers. Failure to do so shall be evidence of continuing harm to the City and provide grounds for the granting of injunctive relief or temporary restraining orders.

Sec. 34-106.6 OTHER REMEDIES

The remedies herein above provided shall not be exclusive and the City may seek whatever other remedies are authorized by statute, at law or in equity against any person violating the provisions of this Article.

DIVISION 107 - SOLID WASTE, GARBAGE AND RUBBISH

Sec. 34-107.1 SOLID WASTE COLLECTIONS AND DISPOSAL

Any owner or occupant or lessee of any premises in the City which is utilized for industrial, commercial or dwelling for five (5) units or more, shall dispose of solid waste produced on the property in a manner which does not create annoyance or discomfort to the inhabitants of the City.

It shall be unlawful for any person to conduct the business of collecting and/or disposing of solid waste for hire, and of transporting any or all of this solid waste over the streets of the City without a permit from the federal, state, county or municipality have legal jurisdiction.

Solid Waste is defined as prescribed in federal and state legislation and regulation having jurisdiction over same.

Solid Waste collection and disposal is provided by the City to residential dwelling of four units or less. This service may be provided by the ESU or by contract with a licensed solid waste collection and disposal business at the discretion of the City of Kankakee.

Sec. 34-107.2 Residential Service Fee

107.2.1 This section provides for the establishment of residential service fees for the collection, recycle and disposal of solid waste in accordance with State and Federal regulations. The residential service fee shall be established as follows per month effective May 1, 2019 and continuing monthly until otherwise amended:

May 1, 2016	\$30.83
May 1, 2017	\$32.22
May 1, 2018	\$33.67
May 1, 2019	\$35.19
May 1, 2020	\$36.77

This residential service fee applies to all residences and/or dwellings containing four (4) units or less. Each dwelling unit and/or residence shall be assessed the established residential service fee monthly. (Ord. 2019-12, 4/1/2019)

107.2.2 This residential service fee provides for the collection, recycle and disposal of no more than 90 gallons (a volume measurement) of solid waste from each residence and/or dwelling unit individually. For all dwelling units, a five percent (5%) discount shall be allowed on the first billing of the City of Kankakee fiscal year, May1, through April 30, for annual payment of the residential service fee.

107.2.3 The City of Kankakee shall add interest at the rate of nine percent (9%) per annum to all delinquent fees. Fees are delinquent if not paid within thirty (30) days of billing for service. The City of Kankakee may at its discretion file suit to collect such amounts as are delinquent and due against the record title holder, contract purchaser, landlord, responsible tenant or any assignee of the above civil action, and shall collect, as well as all court costs pertaining to said action; reasonable attorney fees, plus the sum of one hundred dollars (\$100.00) to cover the cost of preparation of all notices and forms as may be required.

107.2.4 When the City of Kankakee determines that delinquencies in the payment of residential service fees are unfairly imposing additional costs to the taxpayers of the City of Kankakee who are current in their payments and requiring operating costs to be paid by the general fund of the City of Kankakee, the following actions are authorized:

- A. The solid waste collection, recycle and disposal services to any residential user shall be suspended in the event that the residential user of said solid waste collection, recycle and disposal services is billed for these services and fails for a period of not less than sixty (60) days to make the required payments. Said suspension shall continue until the amount is paid in full and brought current.
- B. A fine shall be imposed on each residential user whose solid waste collection, recycle and disposal services have been suspended for nonpayment in an amount no less than fifty dollars (\$50.00) per day and no greater than five hundred dollars (\$500.00) per day for each day that solid waste collection, recycle and disposal services have been suspended for nonpayment. Each day shall constitute a separate offense.
- C. Citations issued for violation of this provision of this ordinance shall be processed through The Department of Administrative Adjudication.

107.2.5 Liens for Delinquent Payments.

When user charges for the forgoing Solid Waste Services become delinquent, said charges shall become and constitute a lien upon the real estate to which said service is supplied. The Superintendent shall file sworn statements showing such delinquencies in the Office of Recorder of Deeds of the County of Kankakee, Illinois, which shall be deemed notice of the lien for payment of such solid waste service. The claim for lien shall be made in the form of a sworn statement setting out (a) a description of the real estate sufficient for the identification thereof, upon and for which Solid Waste Service was supplied, (b) the amount or amounts of money due for such solid waste service and (c) the date or dates when such amount or amounts became delinquent. If all amounts shown due remain unpaid after recording as provided by law, the City may foreclose such lien in a like manner and with like effect as in the foreclosure of mortgages on real estate. In the alternative, or in addition thereto, the City may in its discretion, file suit to collect such amounts as are delinquent and due against the owner of the real estate or against the occupant or user of the real estate in a civil action and shall collect, as well, as court costs pertaining to said action, the same to be fixed by order of the court plus the costs of preparation of such notices and forms required. The costs of filing any lien hereunder shall be added to the amount due.

Sec. 34-107.3 Landfill Developments and Siting

The Mayor and the City Clerk are hereby authorized to execute any documents necessary to enter into necessary agreements to fulfill the proposal of Town & Country Utilities, which was the sole responder to the advertised request for proposals to provide solid waste disposal for the City of Kankakee, and to further negotiate pursuant to the following modifications and limitations:

- A. Development shall not proceed unless and until the City of Kankakee shall have granted site location approval for the landfill development portion of the project pursuant to the applicable ordinances of the City of Kankakee and the State of Illinois.
- B. The City shall reserve the right to require the development of industrial development on a portion of the proposed site.
- C. The City and the developer shall enter into a host agreement which shall be submitted to the City Council for final approval.
- D. The City of Kankakee may accept an ownership or partial ownership of the property in question for which the landfill shall be sited and may in the discretion of the Mayor be a co-applicant for the siting of the landfill, if it is in the best interests to do so.